



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,853	01/16/2004	Mark E. Peters	RSW9-2003-0243US1 (7161-1)	6950
46320 7590 01/22/2008 CAREY, RODRIGUEZ, GREENBERG & PAUL, LLP STEVEN M. GREENBERG 950 PENINSULA CORPORATE CIRCLE SUITE 3020 BOCA RATON, FL 33487			EXAMINER FIELDS, BENJAMIN S	
			ART UNIT 3692	PAPER NUMBER
			MAIL DATE 01/22/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/758,853

Applicant(s)

PETERS, MARK E.

Examiner

BENJAMIN S. FIELDS

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-13 and 15-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-13 and 15-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Introduction

1. The following is a **FINAL** Office Action in response to the communication received on November 15, 2007. Claims 1-7, 9-13, and 15-18 are now pending in this application.

Response to Amendments

2. Applicants Amendment has been acknowledged in that: **Claims 8 and 14 have been canceled; and Claims 3, 7, and 13 have been amended;** hence, as such, **Claims 1-7, 9-13, and 15-18 are pending in this application.**

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-7, 9-13, and 15-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Suzuki et al. (US PG Pub. No. 2002/0032616), [hereinafter Suzuki].

Referring to Claim 1: Suzuki shows a mobile server wallet provider (MSWP) portal comprising: a configuration for communicative coupling both to a plurality of MSWP's and also a content proxy [Wallet Server] (Suzuki: Figures 3-4, 6-7; Page 2, Paragraph 0030//These figures depict a system which is capable of facilitating the

transactions between multiple MSWP's where a content proxy [Wallet Server] would allow retrieval of various amounts of information regarding the MSWP//); a composite profile generator configured to combine a plurality of MSWP profiles into a single, composite profile for routing payment messages in said proxy [Wallet Server] to the MSWP portal (Suzuki: Page 2, Paragraph 0021, 0030// Suzuki refers to a system which combines multiple MSWP's and allows for financial transactions to take place//); and, selection logic configured to process a user selection of one of said MSWP's to process a payment transaction received through said proxy [Wallet Server] (Suzuki: Figures 3, 4, 7; Page 2, Paragraph 0020-0023//Upon verification of receipt, a payment transaction process occurs with the system//).

Referring to Claim 2: Suzuki discusses a portal [communication device], wherein said content proxy [Wallet Server] is a wireless service proxy [Wallet Server] (Suzuki: Page 1, Paragraphs 0008-0011; Page 4, Paragraph 0049//Suzuki discloses a system which consists of a wireless service proxy via the Internet - Various communication devices are mentioned which are capable of maintaining wireless service proxy transmission//).

Referring to Claim 3: Suzuki discloses a portal, wherein the WSP comprises a filter plug-in configured to route said payment messages to the portal when said payment messages match rules specified within said composite profile (Suzuki: Page 2, Paragraphs 0028-0029; Page 3, Paragraphs 0033-0038//After authentication takes place within the network, payment messages are routed back and forth via the system//).

Referring to Claim 4: Suzuki teaches a payment transaction system comprising: a plurality of mobile server wallet providers (MSWP's) coupled to respective on-line financial institutions (Suzuki: Figures 3-4, 6-7; Page 2, Paragraphs 0024, 0030; Page 4, Paragraphs 0052-0053//Suzuki depicts a system which combines multiple MSWP's, and allows for financial transactions to take place which have a relation with multiple financial institutions of varying types//); at least one content proxy [Wallet Server] configured for coupling both to on-line merchants and to end user customers of said on-line merchants (Suzuki: Figure 1(#40); Page 3, Paragraph 0048; Page 4, Paragraphs 0053//The system as disclosed can be utilized by both on-line merchants and end-users//); and, at least one MSWP portal disposed between the MSWP's and at least one content proxy [Wallet Server] (Suzuki: Page 2, Paragraphs 0021, 0030; Page 3, Paragraph 0031).

Referring to Claim 5: The Examiner notes that Claim 5 parallels the limitations of Claim 2. As such, Claim 5 is rejected under the same basis, as is Claim 2 as mentioned supra.

Referring to Claim 6: Suzuki discusses a system, wherein said content proxy [server] further comprises a filter plug-in configured to route payment messages to said MSWP portal when said payment messages match rules specified within a profile provided to said filter plug-in by said MSWP portal (Suzuki: Page 2, Paragraphs 0028-0029; Page 3, Paragraphs 0033-0038//After authentication takes place within the network, payment receipt messages are routed back and forth throughout the system//).

Referring to Claim 7: Suzuki discloses a method for processing a payment transaction in a mobile commerce system (Suzuki: Page 2, Paragraph 0016; Page 3, Paragraphs 0031-0032//Suzuki discloses a e-commerce payment transaction system and method//), the method comprising the steps of: processing a payment message in a portal to identify one of a selection of mobile server wallet providers to handle an associated payment transaction (Suzuki: Page 2, Paragraph 0016; Page 3, Paragraphs 0031-0032//A payment transaction is dedicated to a given mobile server wallet//); routing said payment message to said payment message to an identified one of said MSWP's (Suzuki: Page 2, Paragraphs 0016, 0023; Page 4, Paragraphs 0052-0053//A unique identifier is traced with the payment transactional information//); combining individual MSWP profiles for each of said MSWP's into a composite profile (Suzuki: Figures 3-4, 6-7; Page 2, Paragraph 0030//Suzuki teaches a system and method which facilitates transactions between multiple MSWP's where a content proxy [Wallet Server] allows retrieval of financial information regarding the MSWP, thereby causing storage to a composite profile//); and, providing said composite profile to a content proxy for use in trapping payment messages passing through said content proxy between an on-line merchant and a customer in the mobile commerce system (Suzuki: Page 1, Paragraphs 0008-0011; Page 4, Paragraph 0049).

Referring to Claim 9: Suzuki shows a method of processing comprising the steps of: identifying a customer associated with said payment message (Suzuki: Page 2, Paragraphs 0016, 0021, 0028//Suzuki teaches a system where a user [customer] is identified//); parsing a profile associated with said customer to determine a selection of

preferred MSWP's (Suzuki: Figure 3-Also See Page 4, Paragraphs 0059-0060//Suzuki displays a system which allows a selection of various MSWP's//); rendering a user interface presenting said selection of preferred MSWP's to said customer (Suzuki: Figure 3-Also See Page 4, Paragraphs 0059-0060); and, selecting a particular one of said preferred MSWP's to handle said associated payment transaction based upon data provided by said customer in said user interface (Suzuki: Page 5, Paragraphs 0061-0064//A financial payment transaction occurs at this juncture in the system, upon final selection of a MSWP//).

Referring to Claim 10: Suzuki discusses a method comprising the step of relaying payment transaction data produced by said selected one of said preferred MSWP's to a customer (Suzuki: Page 3, Paragraph 0021; Page 8, Paragraphs 105, 106, 110//Communication between a MSWP and a customer are described//).

Referring to Claim 11: Suzuki discloses a method comprising the step of relaying payment transaction data produced by said selected one of said preferred MSWP's to a merchant associated with said payment transaction (Suzuki: Page 3, Paragraph 0021; Page 8, Paragraphs 105, 106, 110//Communication between a MSWP and a merchant are described//).

Referring to Claim 12: Suzuki teaches a method wherein said relaying step comprises the step of relaying a payment guarantee to said merchant by said selected one of said preferred MSWP's (Suzuki: Page 2, Paragraphs 0016-0017//While no 'formal' guarantee is expressly mentioned by Suzuki, the transaction will not terminate until payment has been received, hence, a payment guarantee is in effect//).

Referring to Claims 13-18: The Examiner notes that Claims 13-18 are directed towards a machine readable storage for Claims 7-12. As such Claims 13-18 are rejected under the same grounds as are Claims 7-12 as mentioned supra.

Response to Arguments

5. Applicants arguments filed 15 November 2007 have been fully considered but are not persuasive. Applicant argues:

Argument A

At the outset, Applicant notes that the Examiner's written analysis with regard to claim 1 has been little assistance to Applicant in understanding the basis for the Examiner's rejection. For example, the Examiner refers to "[server]" as identically disclosing the claimed content proxy. However, Figs. 3 and 4 of Suzuki describe four different servers. Applicant is not in a position to guess as to what "server" in Suzuki the Examiner is referring to identically disclose the claimed content proxy. Completely absent from this passage, however, is a detailed discussion of how the multiple wallet servers are integrated into the system. On the contrary, claim 1 recites that "a composite profile generator configured to combine a plurality of MSWP profiles into a single, composite profile for routing payment messages in said proxy to the MSWP profile." Absent from the Examiner's cited passages is either a profile for each of the MSWPs or a single, composite profile. Thus, the Examiner has failed to establish that Suzuki identically discloses the claimed invention, as recited in claim 1, within the meaning of 35 U.S.C. § 102.

Response to Argument A

The Examiner respectfully disagrees. The Examiner has pointed to Figures 3-4 and 6-7 to show Suzuki's disclosure of a Wallet Server in figures. As the instant application is primarily directed towards wallet servers, the Examiner felt no need to specifically pin point a wallet server in the original office action. The Examiner's attention to such detail was remiss and has in effect been corrected. Conventional use of a non-mobile or mobile wallet server causes a composite profile to be created for quicker usability upon each successive iteration.

Argument B

Independent claim 4 is also directed to the concept of a MSWP portal that is connected to a plurality of MSWPs and a content proxy. However, as noted above with regard to claim 1, the Examiner has failed to specifically identify a teaching in Suzuki that identically discloses the claimed MSWP portal. Thus, the Examiner has failed to establish that Suzuki identically discloses the claimed invention, as recited in claim 4, within the meaning of 35 U.S.C. § 102.

Response to Argument B

The Examiner respectfully disagrees. The Examiner notes: Conventional Wallet Servers, etc. comprise a single entity that operates between a merchant and a customer. This 'single entity' usually/essentially is found in the middle of the merchant and the consumer and is used by both. The consumer communicates with the wallet, and the wallet, in turns, communicates with the merchant through the merchant's

website. In effect, this entity can be compared to as a portal in order to achieve successful system interoperability as disclosed; henceforth a portal is implicitly taught in Suzuki.

Argument C

Each of claims 3 and 6 are directed to the concept of a filter plug-in configured to route payment messages to the portal when the payment messages match rules specified within the composite profile. With regard to these limitations, the Examiner cited paragraphs [0028]-[0029] and [0033]-[0038] of Suzuki and stated "[a]fter authentication takes place within the network, payment receipt messages are routed back and forth through the system." Completely absent from these passages, however, is a teaching as to a filter plug-in or "rules specified within the composite profile." Thus, the Examiner has failed to establish that Suzuki identically discloses the claimed invention, as recited in claims 3 and 6, within the meaning of 35 U.S.C. § 102.

Response to Argument C

The Examiner respectfully disagrees. It is commonly known to a person of ordinary skill in the art that a filter is involved in an initiation of an electronic payment transaction, a communication terminal of a customer, or a transaction server. A filter serves as a primary part of the communication system; the communication system allows a communication between the server of the merchant, the communication terminal and the transaction server. The filter, has, among others, the task of forwarding certain messages concerning the electronic payment transaction to assigned

Art Unit: 3692

receivers. Filters can be a part of a communication system, such as a GSM, GPRS, PPDC, WCDMA, UMTS, Bluetooth type networks, etc. by way of example. In addition, the filter allows among others, that certain messages be redirected to the transaction server for the communication terminal.

The arguments as filed have been fully considered but are not persuasive. As the remaining claims depend directly or indirectly from the independent claims mentioned above, and have not been rebutted, the Examiner maintains all previously asserted rejections.

6. Furthermore, the Examiner notes the following discussion of Official Notice taken from the MPEP:

To adequately traverse such a finding, an applicant must specifically point out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art. See 37 CFR 1.111(b). See also *Chevenard*, 139 F.2d at 713, 60 USPQ at 241 ("[I]n the absence of any demand by appellant for the examiner to produce authority for his statement, we will not consider this contention."). A general allegation that the claims define a patentable invention without any reference to the examiner's assertion of official notice would be inadequate. If applicant adequately traverses the examiner's assertion of official notice, the examiner must provide documentary evidence in the next Office action if the rejection is to be maintained. See 37 CFR 1.104(c)(2). See also *Zurko*, 258 F.3d at 1386, 59 USPQ2d at 1697 ("[T]he Board [or examiner] must point to some concrete evidence in the record in support of these findings" to satisfy the substantial evidence test). If the examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affidavit or declaration setting forth specific factual statements and explanation to support the finding. See 37 CFR 1.104(d)(2). If applicant does not traverse the examiner's assertion of official notice or applicant's traverse is not adequate, the examiner should clearly indicate in the next Office action that the common knowledge or well-known in the art statement is taken to be admitted prior art because applicant either failed to traverse the examiner's assertion of official notice or that the traverse was

inadequate. If the traverse was inadequate, the examiner should include an explanation as to why it was inadequate. (MPEP § 2144.03(C))

First, Applicant has not “specifically point[ed] out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art.” Applicant's broad request for references to support Examiner's statements of Official Notice amounts to nothing more than an unsupported challenge. For these reasons, **Claims 2, 5, 9-12, and 15-18** are taken to be admitted prior art because Applicant's traversal was inadequate.

Second, Applicant's challenge is not timely. All statements of Official Notice made in the art rejection have been on record since issuance of the rejection mailed on 15 August 2007. In the subsequent response filed on 15 November 2007, Applicant was silent on the matter of Official Notice. Consequently, the statements of Official Notice made in the art rejection have been established as admitted prior art due to Applicant's failure to adequately traverse the Examiner's assertions of Official Notice. Therefore, Applicant has not sufficiently switched back to the Examiner the burden of supplying references in support of her assertions of Official Notice. Applicant is silent as to the Examiner's rejection of **Claims 2, 5, 9-12, and 15-18**. Furthermore, Examiner asserts the previous rejections of these Claims were taken properly.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to BENJAMIN S. FIELDS whose telephone number is 571.272.9734. The examiner can normally be reached on MONDAY through THURSDAY between the hours of 8AM and 8PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KAMBIZ ABDI can be reached at 571.272.6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR

Art Unit: 3692

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Benjamin S. Fields

12 December 2007



KAMBIZ ABDI
SUPERVISORY PATENT EXAMINER